

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VINCENT CASARES,

Plaintiff,

v.

LANNETTE LINTHICUM, et al.,

Defendants.

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Case No. 6:17-cv-701-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Vincent Casares, a Texas Department of Criminal Justice prisoner, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. Before the Court are a motion for summary judgment filed by Defendants Wilford Hanson and Patrick Masenburge (Docket No. 93) and a motion for summary judgment filed by Defendants Linda Garner and Peggy McComas (Docket No. 112).

On November 19, 2020, Judge Mitchell issued a Report recommending that the Court grant Defendants Hanson and Masenburge's motion for summary judgment and dismiss Plaintiff's claims against these Defendants with prejudice. Docket No. 127. On November 25, 2020, Judge Mitchell issued a Report recommending that the Court also grant Defendants Garner and McComas's motion for summary judgment and dismiss Plaintiff's claims against these Defendants with prejudice.

Docket No. 128. A copy of each Report was sent to Plaintiff and he received them on January 20, 2021. Docket Nos. 132, 133.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court **ADOPTS** the Reports of the United States Magistrate Judge (Docket Nos. 127, 128) as the findings of this Court. The Court hereby **GRANTS** Defendants Hanson and Masenburge's motion for summary judgment (Docket No. 93) and **GRANTS** Defendants Garner and McComas's motion for summary judgment (Docket No. 112). Plaintiff's claims against these Defendants are

DISMISSED WITH PREJUDICE. Further, Defendants Garner, Hanson, Masenburge, and McComas are **DISMISSED** from this case.

The dismissal of these parties and claims has no effect on the remaining claims and Defendants in this case.

So **ORDERED** and **SIGNED** this 14th day of **March, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE